

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3117 of 2016

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Nisha Rani Wife of Subhash Singh, Daughter of Shri Subhash Chandra
Resident of Mohalla - Mauri Gali, Machharhatta, Patna City, Police Station
Khajekalan, District Patna

.... Petitioner

Versus

Subhash Singh Son of Shri Ganesh Prasad Yadav Resident of Mohalla -
Sonipatti, P.S. Buxar, Town and District Buxar

.... Respondent

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Appearance :

For the Petitioner/s : Mr. Kumar Kaushlendra

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

6. 25-08-2018

Heard learned counsel for the petitioner and
learned counsel representing the sole opposite party.

This application has been preferred for transfer
of Matrimonial Divorce Case No. 256 of 2014 from the
court of learned Principal Judge, Family Court, Buxar to the
court of learned Principal Judge, Family Court, Patna.

It appears that the marriage between the parties
was solemnized on 12.02.2013, but thereafter the dispute
arose and they did not live together. Both the parties are
contesting the respective cases brought by them at their own
place of residence. While the petitioner had filed a complaint
case at Patna City against the opposite party, the opposite
party has brought the present divorce proceeding in the court
at Buxar.



It is the contention of learned counsel representing the petitioner that she is a lady having no family member to accompany her to the court premises and presently she is not even getting any maintenance from the opposite party. She has no other source of income also.

Learned counsel representing the opposite party submits that in fact the opposite party wanted to set up the matrimonial home with the petitioner but the kind of conduct which this opposite party has pleaded in the divorce petition would show that there are allegations against the petitioner that she had refused to consummate the marriage and informed this opposite party that she was in love with somebody else and did not want to marry the opposite party. Learned counsel submits that the opposite party would pay the expenses of traveling etc. to the petitioner if she visits the court at Buxar. However, he has submitted that in the nature of the allegations which he has brought against the petitioner, he would have threat to his life if he visits Patna court which is in the vicinity of the residence of this petitioner.

Having heard learned counsel for the parties and taking note of the contentions this court is of the



considered opinion that keeping in mind the convenience of both the parties this matrimonial case be transferred to the court of learned Family Court at Danapur where the records of the case be transferred within a period of 15 days from the court at Buxar. The opposite party shall pay a sum of Rs. 300/- to the petitioner on each and every date in presence of the learned Presiding Officer, Family Court, Danapur to take care of her travel expenses and out of pocket expenses for the said date. This will however not be taken as an amount of interim maintenance and the petitioner will be at liberty to claim maintenance from the opposite party in accordance with law. It is stated that a maintenance case has already been filed by the petitioner in the court at Patna which is pending consideration.

With the aforesaid direction, this contempt application stands disposed of.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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